IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 23RD JANUARY 2007 / 3RD MAGHA 1928

WA.No. 754 of 2004()

AGAINST THE JUDGEMENT/ORDER IN WPC.38864/2003 Dated 18/12/2003
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APPELLANT: RESPONDENTS 1 TO 3
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1. THE ASSISTANT ENGINEER,
K.S.E.B., ELECTRICAL SECTION, MANNUTHY P.O.,
OLLUKKARA, TRICHUR

2. THE ASSISTANT EXECUTIVE ENGINEER,
K.S.E.B., ELECTRICAL MAJOR SECTION, MANNUTHI P.O.

3. K.S.E.BOARD, VAIDHYUTHI BHAVANAM,
THIRUVANANTHAPURAM, REPRESENTED BY ITS SECRETARY

BY ADV. SRI.K.S.ANIL, SC, KSEB

RESPONDENTS: PETITIONER/4TH RESPONDENT
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1. THARA GOPI W/O. GOPI, T.C. 13/581,
PULIKKAL HOUSE, UNITED GARDENS, INDIRA NAGAR,
1ST STREET, MANNUTHY, TRICHUR DISTRICT

2. MR.P.S.BABU S/O. PUTHENVEETTIL
SEBASTIAN. PUTHENVEETTIL HOUSE, PARAVATHANI,
OLLUKKARA VILLAGE, TRICHUR.

R1 BY ADV. SRI.T.A.SHAJI
R2 BY ADV. SMT.T.V.NEEMA

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD
ON 21/12/2006, THE COURT ON 23/01/2007 DELIVERED THE
FOLLOWING:

V.K.BALI, C.J. &
C.N.RAMACHANDRAN NAIR, J.

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W.A. No.754 of 2004

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Dated this the 23rd day of January, 2007.

JUDGMENT

Ramachandran Nair, J.

The Writ Appeal is filed against the judgment of the learned Single Judge directing KSEB to give electricity connection to the respondent in a premises which is in arrears of electricity dues. The previous owner of the property from whom respondent purchased property only is in arrears of electricity dues and since the respondent is not in default, the learned Single Judge directed KSEB to give connection without the respondent clearing the dues. However, counsel for the appellants has relied on a Full Bench judgment of this court in SURAJ V. K.S.E.B. 2005(3) ILR 618 wherein this court has held that clause 15(e) of the Conditions of Supply of Electrical Energy operates as a charge on property and therefore, Electricity Board is justified in declining connection in a defaulted premises. Since the issue is covered against the respondent by the abovereferred Full Bench decision, we uphold the stand of the KSEB and allow the Writ Appeal by vacating the judgment of the learned Single Judge. It is upto the respondents to clear the arrears and on clearing arrears and on respondents complying with

formalities, electricity connection will be given to them. If connection was given pursuant to the decision of the learned Single Judge, then respondents are granted two weeks time from now to clear the arrears, failing which the Board will disconnect supply given to them based on judgment of the learned Single Judge. It is for the respondents and the previous owners of the property to settle dispute between them. However, connection need be given and retained in the defaulted premises only if arrears are cleared.

Sd/-
V.K.BALI
Chief Justice

Sd/-
C.N.RAMACHANDRAN NAIR
Judge

pms

True copy

P.S. to Judge